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Intervenor II-210

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UNITED STATES NUCLEAR REGULATORY COMMISSION  
OFFICE OF INVESTIGATIONS

DOCKETED  
USNRC

'95 SEP -8 P4:13

In The Matter of: :  
INVESTIGATIVE INTERVIEW OF :  
R. PATRICK McDONALD (CLOSED) :  
- - - - - X

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

101 Marietta Street  
Atlanta, Georgia

Thursday, July 1, 1993

The above-entitled interview commenced, pursuant  
to notice, at 12:55 p.m.

NUCLEAR REGULATORY COMMISSION INT  
Docket No. 50-424042-42A-3 EXHIBIT NO. II-210  
In the matter of Patrick McDonald  
 Staff  Applicant  Intervenor  Other  
 Identified  Received  Rejected Reporter MLW  
Date 8-14-95 Witness COURSEY

EXHIBIT 48

SEP 1 11 40 AM '95

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1 probably only the top half of it.

2           What would be your normal procedure -- I noticed  
3 that you certified in your letter that the information in  
4 there was true to the best of your belief and your knowledge  
5 -- what would normally be your practice in order to satisfy  
6 yourself that that certification was good?

7           A     All right. One, I would want to know -- the first  
8 thing, searching through the document -- and I remember  
9 viewing this well -- I talked to George Hairston about the  
10 document, how it had been put together, who had been  
11 involved; going back to the SAERA group, going back to the  
12 various managers, the whole chain of command.

13           I also had an attorney work with me in assuring  
14 that to the best of our ability, with the expertise that  
15 attorneys have, that we've got everything included, that  
16 stats are appropriate -- by that I mean that it's pertinent  
17 and that it makes the thing whole -- that it is not  
18 misleading in any way, that it's got all the facts that we  
19 know that is relevant, and that there are no -- that there  
20 are no known allegations about anything that we are saying  
21 so that -- one of the allegations in this case -- as you  
22 know, part of it was by allegation.

23           So we want to know what's alleged and all the  
24 allegations that are alleged and to assure that they are  
25 addressed in a straightforward manner with information

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1 that's been, by my definition of thoroughly, that I know  
2 what organization did it, who reviewed it, and if the  
3 attorney reviewed it, and that sort of thing.

4 Q Okay. So in addition to your review of it, you  
5 got either verbal or some type of certifications from your  
6 attorney and the managers in your chain of command that the  
7 information in there is true and correct to the best of your  
8 --

9 A I did not require written confirmation --

10 Q Right.

11 A -- from my managers.

12 Q Right. So you got a -- you got a verbal response  
13 that that's good information in there, and that's how you  
14 based your certification; is that correct.

15 A Let me add one bit to that.

16 Q Sure.

17 A I had said in open meetings many times -- and  
18 that's where this question you asked is coming to -- that in  
19 the use of documents, discussions, and meetings, if anyone  
20 has any knowledge or anything that's wrong or any safety  
21 concern, that it's not enough to sit by and be quiet. As  
22 long as they're in that meeting, it is assumed that the  
23 material is correct as presented.

24 Q Okay.

25 A So I've said that enough times to people that,

1 when things like this come to me, I expect to have a pretty  
2 -- pretty good document as far as you can -- as far as you  
3 can be sure of it.

4 Q I understand that. Kind of a negative consent, so  
5 to speak?

6 A That's right.

7 Q I only have one question regarding this document.  
8 And I think, as I said, you've probably have already  
9 answered it.

10 And I'm referring to the footnote on the bottom of  
11 page three of section Roman Numeral III.3 and I'll let you  
12 review that.

13 Two questions regarding that footnote: How were  
14 you sure that Mr. Hairston was not a party to that late  
15 afternoon phone call?

16 A How was I sure? Well, as you know, this question  
17 had been raised the previous year. When that question was  
18 raised, when the time frame for remembering events was much  
19 better -- I've talked with George Hairston about it.

20 He says, "I don't remember any discussion in that  
21 -- as far as I remember, where the words that I was going to  
22 sign" -- in other words, not a preliminary draft but the  
23 smooth words.

24 The practice was to get the things typed up, not  
25 to read for your mark-up but to get them type up where the

1 final draft was read to the plant with other people in the  
2 room and hear any comments.

3 He says, "I don't -- I was at some earlier  
4 discussions, but I don't recall that." And then we asked  
5 the people to try to find out who was on the last call.

6 There were four people as I recall. One was  
7 George Bockhold; one was Aufdenkampe; one was Mosbaugh, and  
8 one was somebody else and I can't remember who it was.

9 Q Mr. McCoy?

10 A No.

11 Q Mr. Shipman?

12 A Mr. Shipman.

13 Q Okay.

14 A And when we asked those people, none of them could  
15 remember that George <sup>Houston</sup> was on that very last call.

16 The last call was important, because we want to  
17 make sure down to the very sign before you pen something  
18 that, if anybody has anything to say about the inaccuracy or  
19 the completeness of that letter, that that's the time you  
20 want to say it.

21 It's not what happened the day before. It's not  
22 what happened early in the afternoon, because these things -  
23 - this thing took a long time to put together and you're  
24 down to the end. Now, I want to make sure that we're all  
25 together on this thing.

1 Q Okay.

2 A By get together, I mean it's in the context, is it  
3 absolutely right, is there -- do you agree with what's being  
4 said. And if there isn't that, then that's what is  
5 important.

6 Q So the call you were referring to in that footnote  
7 -- and I'll just quote that footnote for the record.

8 A Yeah.

9 Q "The wording was reviewed by corporate and site  
10 representatives in a telephone conference call late on April  
11 19th, 1990. Although Mr. Hairston was not a participant in  
12 that call, he had every reason to believe the final draft  
13 LER presented to him after the call was accurate and  
14 complete."

15 And so the call you're referring to is a call  
16 between Mr. Mosbaugh, Aufdenkampe, and Shipman. Was Mr.  
17 Stringfellow in on that call too?

18 A I don't -- there were four.

19 Q Four people.

20 A Bockhold was one, Shipman was one -- I think there  
21 was four, might have been five. And it's in here some  
22 place.

23 Q All right.

24 MR. LAVINE: This is to the best of your  
25 recollection; right, Mr. McDonald?

1 THE WITNESS: Yes. But the important thing was  
2 that it wasn't the next to the last conversation or the one  
3 on the 18th or 1:00 in the afternoon or one when you go back  
4 and get some information or something like that.

5 Because during the process, you'll go from one  
6 subject to the next. People will come up with new ideas.  
7 It's, "All right. This is it, gents. Anybody got anything  
8 to say?" That's the one I'm talking about.

9 MR. ROBINSON: Okay.

10 THE WITNESS: And that one's important. All the  
11 others, you're in the process of give and take, trying to  
12 figure out what the facts are. That is key. That is key.

13 So when those words are read, if there was anybody  
14 there at that time that had anything to say, they were bound  
15 by our policy requirements to say it at that time.

16 MR. ROBINSON: Okay. I understand.

17 BY MR. ROBINSON:

18 Q And so again, the second question I have regarding  
19 that footnote is: Is to the best of your recollection -- or  
20 how did you know that --

21 MR. LAVINE: That Mr. Hairston was not on the  
22 phone call.

23 BY MR. ROBINSON:

24 Q No. That Mr. Hairston had every reason to believe  
25 that the final draft LER was accurate and complete?